



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,565	02/04/2004	Albert J. Stopniewicz	700546.4009	5500

34313 7590 11/24/2009
ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE, CA 92614-2558

EXAMINER

SHEPPERD, ERIC W

ART UNIT	PAPER NUMBER
----------	--------------

2453

MAIL DATE	DELIVERY MODE
-----------	---------------

11/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/772,565	Applicant(s) STOPNIEWICZ ET AL.	
	Examiner ERIC W. SHEPPERD	Art Unit 2453	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/16/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 12-31 are pending.

Response to Amendment

2. In response the amendment filed 09/02/2009: Applicant has amended the specification, and the corresponding objections have been withdrawn. Applicant has cancelled claims 1-11, and as a results the objections and corresponding 35 USC § 112 rejections have been withdrawn. Applicant has submitted new claims 12-31.

Response to Arguments

3. Applicant's arguments with respect to cancelled claims 1-11 have been considered but are moot in view of the new ground(s) of rejection necessitated by new claims.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2453

6. Claim 25 line 3 recites the limitation “the preselected first viewing content” which lacks proper antecedent basis. For purposes of applying prior art the limitation has been construed as “the preselected viewing content”.

7. Claim 25 line 9 recites the limitation “the first viewing content” which lacks proper antecedent basis. For purposes of applying prior art the limitation has been construed as “the viewing content”.

8. Claim 25 line 10 recites the limitation “the first content library” which lacks proper antecedent basis. For purposes of applying prior art the limitation has been construed as “the relevant content library”.

9. Claim 25 lines 11, 14 and 15 all recite the limitation “the selected first viewing content” which lacks proper antecedent basis. For purposes of applying prior art the limitation has been construed as “the selected viewing content”.

10. Claim 26 line 7 recites the limitation “the preselected first viewing content” which lacks proper antecedent basis. For purposes of applying prior art the limitation has been construed as “the preselected viewing content”.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2453

12. Claims 12-17 and 19-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galipeau et al (US 6,249,913 B1), and in view of Wilson et al (US 2004/0192339 A1).

13. As to claim 12, Galipeau substantially discloses a vehicle information system installed aboard a passenger vehicle (Galipeau Abstract), comprising:

a headend system for communicating with a content source including a content library ("Internet Server" Fig. 12, item 192 *communicating with* "Airnet Ground Server" Fig. 12, item 232) associated with a first passenger seat group within the passenger vehicle (Galipeau column 3 lines 52-55 *seat groups*; Fig. 1 item 12 *first column of seat groups*) and a second passenger seat group within the passenger vehicle (Galipeau column 3 lines 52-55 *seat groups*; Fig. 1 item 14 *second column of seat groups*);

a first portable media device associated with the first passenger seat group (Galipeau "Personal Computer" Fig. 12 item 226 *being used with a first group*), said first portable media device for selecting (Galipeau column 4 lines 26-29 *requested by passenger*) and receiving viewing content available from the content library via said headend system (Galipeau column 10 lines 58-60 *deliver content to passenger*) and for presenting the selected viewing content (Galipeau column 11 lines 59-65 *applications for viewing content*); and

a second portable media device associated with the second passenger seat group (Galipeau "Personal Computer" Fig. 12 item 226 *a different personal computer being used with a second group*), said second portable media device for selecting

Art Unit: 2453

(Galipeau column 4 lines 26-29 *requested by passenger*) and receiving viewing content available from the content library via said headend system (Galipeau column 10 lines 58-60 *deliver content to passenger*) and for presenting the selected viewing content (Galipeau column 11 lines 59-65 *applications for viewing content*).

Galipeau fails to explicitly disclose a content source including a first content library and a second content library associated with the first and second group, wherein the first content library is different from the second content library and is not available to said second portable media device.

Wilson describes a method for providing location-based services to multiple mobile devices in a wireless telecommunication network.

With this in mind, Wilson discloses a content source including a first content library and a second content library associated with the first and second group (Wilson claim 1 lines 15-20 *provide basic level of service to first list of subscribers and a premium level of service to a second level of subscribers*), wherein the first content library is different from the second content library and is not available to said second portable media device (Wilson claim 1 lines 15-25 *content is provided to subscribers in the second list (i.e. first group of Galipeau) not available to subscribers in the first list*).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the multi-level content providing of Wilson with the passenger based content providing system of Galipeau as it would allow content providers to provide “premium content or features to users at rates higher than simple

Art Unit: 2453

subscription fees” (Wilson [0161] lines 6-9).

14. As to claim 13, the above combined art of Galipeau and Wilson disclose the invention as claimed as described in claim 12 including, wherein said first portable media device includes:

a handheld case having a predetermined shape and including a communication port (Galipeau Fig. 12 item 226 *communicating laptop with case*);

a transceiver system for wirelessly communicating (Wilson [0006] lines 3-6 *wireless device*) with said headend system via the communication port, said transceiver system being disposed within said handheld case (Galipeau “Personal Computer” Fig. 12 item 226 communicating with “Server” item 192);

an integrated user interface system (Galipeau column 11 lines 59-65 *software*) being provided on said handheld case and including:

a video presentation system (Galipeau column 3 lines 3-10 *video*) for selecting among the first viewing content available from the first content library (Wilson claim 1 lines 18-25 *provide content access to subscribers of second list*) via a menu-based system (Wilson [0107] lines 5-10 *displays to receive user input*) and for presenting a video portion of the selected first viewing content (Galipeau column 9 lines 22-25 *video present to personal computer*);

an audio presentation for presenting an audio portion of the selected first viewing content (Galipeau column 9 lines 33-36 *audio presented with video*); and

a control system for selecting the selected first viewing content for

Art Unit: 2453

presentation and controlling the presentation of the selected first viewing content (Wilson [0107] lines 5-10 *displays to receive user input*).

15. As to claim 14, the above combined art of Galipeau and Wilson disclose the invention as claimed as described in claim 13, including wherein the selected first viewing content is selected and presented solely via the user interface system (Galipeau column 9 lines 22-25 *video present to personal computer*).

16. As to claim 15, the above combined art of Galipeau and Wilson disclose the invention as claimed as described in claim 12, including wherein the content source is remote from the passenger vehicle (Galipeau "Airnet Ground Server" Fig. 12, item 232 *connected with* "Internet Server" item 192 through "Antenna" item 236).

17. As to claim 16, the above combined art of Galipeau and Wilson disclose the invention as claimed as described in claim 12, including wherein access to the second content library is conditioned upon receipt of valid authorization information from said second portable media device (Wilson [0063] lines 6-9 *authorization*).

18. As to claim 17, the above combined art of Galipeau and Wilson disclose the invention as claimed as described in claim 12, including wherein the first content library is made available to said second portable media device upon payment of a fee (Wilson

Art Unit: 2453

claim 2 lines 7-13 *access to premium with payment*).

19. As to claim 19, the above combined art of Galipeau and Wilson disclose the invention as claimed as described in claim 12, including wherein said first portable media device is configured to upload content to the content source (Galipeau column 12 lines 37-41 *transmit email and webpages off-aircraft*).

20. As to claim 20, the above combined art of Galipeau and Wilson disclose the invention as claimed as described in claim 19, including wherein said headend system inhibits said first portable media device from uploading inappropriate viewing content to the content source (Galipeau column 12 lines 5-8 *internet server authenticates information coming on and off aircraft*).

21. As to claim 21, the above combined art of Galipeau and Wilson disclose the invention as claimed as described in claim 12, including wherein the first content library includes at least a portion of the second content library (Wilson claim 1 lines 15-25 *basic services are included in premium services*).

22. As to claim 22, the above combined art of Galipeau and Wilson disclose the invention as claimed as described in claim 12, including further comprising a plurality of said first portable media devices each being associated with the first passenger seat group and configured for selecting the first viewing content available from the first

Art Unit: 2453

content library and for presenting the selected first viewing content (Galipeau Fig. 1 *multiple passenger groups with multiple seats*).

23. As to claim 23, the above combined art of Galipeau and Wilson disclose the invention as claimed as described in claim 12, including further comprising a plurality of said second portable media devices each being associated with the second passenger seat group and configured for selecting the second viewing content available from the second content library and for presenting the selected second viewing content (Galipeau Fig. 1 *multiple passenger groups with multiple seats*).

24. As to claim 24, the above combined art of Galipeau and Wilson disclose the invention as claimed as described in claim 12, including an aircraft including a vehicle information system characterized by claim 12 (Galipeau Abstract).

25. As to claim 25, Galipeau substantially discloses a portable media device for selecting and receiving preselected viewing content available from a relevant content library of a content source via a headend system and for presenting the preselected viewing content (Galipeau Fig. 12 "Personal Computer"), comprising:

a handheld case having a predetermined shape and including a communication port (Galipeau Fig. 12 item 226 *communicating laptop with case*);

a transceiver system for communicating with a headend system of the vehicle information system via the communication port, said transceiver system being disposed

Art Unit: 2453

within said handheld case (Galipeau “Personal Computer” Fig. 12 item 226 communicating with “Server” item 192);

an integrated user interface system being provided on said handheld case (Galipeau column 11 lines 59-65 *software*) and including:

a video presentation system (Galipeau column 3 lines 3-10 *video*) for selecting among the viewing content available from the relevant content library (Galipeau column 4 lines 26-29 *requested by passenger*) and for presenting a video portion of the selected viewing content (Galipeau column 9 lines 22-25 *video present to personal computer*);

an audio presentation for presenting an audio portion of the selected viewing content (Galipeau column 9 lines 33-36 *audio presented with video*);

wherein said portable media device and the relevant content library are associated with a selected passenger seat group (Galipeau Fig. 1 *passenger seat groups* 12, 14 *associated with content provided via cable* 20), and

a second passenger seat group (Galipeau Fig. 1 *multiple seat groups*).

Galipeau fails to explicitly disclose wirelessly communicating, selecting via a menu-based system, a control system for selecting the selected viewing content for presentation and controlling the presentation of the selected viewing content, wherein the content source includes a second content library that is different from the relevant content library, that is associated with a second group, and that is not available to said portable media device.

Wilson discloses wirelessly communicating (Wilson [0006] lines 3-6 *wireless*

Art Unit: 2453

device), selecting via a menu-based system (Wilson [0107] lines 5-10 *displays to receive user input*), a control system for selecting the selected viewing content for presentation and controlling the presentation of the selected viewing content (Wilson [0107] lines 5-10 *displays to receive user input*), wherein the content source includes a second content library that is different from the relevant content library, that is associated with a second group (Wilson claim 1 lines 15-20 *provide basic level of service to first list of subscribers and a premium level of service to a second level of subscribers*), and that is not available to said portable media device (Wilson claim 1 lines 15-25 *content is provided to subscribers in the second list (i.e. first group of Galipeau) not available to subscribers in the first list*). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the multi-level content providing of Wilson with the passenger based content providing system of Galipeau as it would allow content providers to provide “premium content or features to users at rates higher than simple subscription fees” (Wilson [0161] lines 6-9).

26. As to claim 26, the above combination of Galipeau and Wilson disclose the invention as claimed as described in claim 25, including a vehicle information system installed aboard a passenger vehicle (Galipeau Abstract), comprising:

a headend system for communicating with a content source including a relevant content library (“Internet Server” Fig. 12, item 192 *communicating with* “Airnet Ground Server” Fig. 12, item 232) associated with a relevant passenger seat group within the

Art Unit: 2453

passenger vehicle (Galipeau column 3 lines 52-55 *seat groups*); and

a portable media device for selecting and receiving preselected viewing content available from the relevant content library of the content source via the headend system and for presenting the preselected viewing content as characterized by claim 25 (Galipeau Fig. 12 “Personal Computer” item 226).

27. As to claim 27, Galipeau substantially discloses a vehicle information system installed aboard a passenger vehicle (Galipeau Abstract), comprising:

a headend system for communicating with a content source including a content library (“Internet Server” Fig. 12, item 192 *communicating with* “Airnet Ground Server” Fig. 12, item 232) associated with a first passenger seat group within the passenger vehicle (Galipeau column 3 lines 52-55 *seat groups*; Fig. 1 item 12 *first column of seat groups*) and a second passenger seat group within the passenger vehicle (Galipeau column 3 lines 52-55 *seat groups*; Fig. 1 item 14 *second column of seat groups*);

a plurality of first handheld media devices associated with the first passenger seat group (Galipeau “Personal Computer” Fig. 12 item 226 *being used by passengers within a first group*), each of said first handheld media devices for selecting (Galipeau column 4 lines 26-29 *requested by passenger*) and receiving viewing content available from the content library via said headend system (Galipeau column 10 lines 58-60 *deliver content to passenger*) and for presenting the selected first viewing content (Galipeau column 11 lines 59-65 *applications for viewing content*); and

a plurality of second handheld media devices associated with the second

Art Unit: 2453

passenger seat group (Galipeau "Personal Computer" Fig. 12 item 226 *being used by passengers within a second group*), each of said second handheld media devices for selecting (Galipeau column 4 lines 26-29 *requested by passenger*) and receiving viewing content available from the content library via said headend system (Galipeau column 10 lines 58-60 *deliver content to passenger*) and for presenting the selected viewing content (Galipeau column 11 lines 59-65 *applications for viewing content*).

Galipeau fails to explicitly disclose a first content source including a first content library associated with the first group and a second content source including a second content library associated with the second group, wherein the first content library is different from the second content library and is not available to said second handheld media device.

Wilson discloses a first content source (Wilson Fig. 1 item 108 "Portal Application Servers" *accessed via a load balancer*) including a first content library associated with the first group (Wilson claim 1 lines 15-20 *provide a premium level of service to a second level of subscribers*) and a second content source (Wilson Fig. 1 item 108 "Portal Application Servers" *accessed via a load balancer*) including a second content library associated with the second group (Wilson claim 1 lines 15-20 *provide basic level of service to first list of subscribers*), wherein the first content library is different from the second content library and is not available to said second handheld media device (Wilson claim 1 lines 15-25 *content is provided to subscribers in the second list (i.e. first group of Galipeau) not available to subscribers in the first list*). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to

Art Unit: 2453

combine the multi-level content providing of Wilson with the passenger based content providing system of Galipeau as it would allow content providers to provide “premium content or features to users at rates higher than simple subscription fees” (Wilson [0161] lines 6-9).

28. As to claim 28, Galipeau substantially discloses a method for distributing viewing content aboard a passenger vehicle (Galipeau Abstract), comprising:

providing a headend system, said headend system for communicating with a content source including a content library (“Internet Server” Fig. 12, item 192 *communicating with* “Airnet Ground Server” Fig. 12, item 232) associated with a first passenger seat group within the passenger vehicle (Galipeau column 3 lines 52-55 *seat groups*; Fig. 1 item 12 *first column of seat groups*) and a second passenger seat group within the passenger vehicle (Galipeau column 3 lines 52-55 *seat groups*; Fig. 1 item 14 *second column of seat groups*);

associating a first portable media device with the first passenger seat group (Galipeau “Personal Computer” Fig. 12 item 226 *being used with a first group*), said first portable media device for selecting (Galipeau column 4 lines 26-29 *requested by passenger*) and receiving viewing content available from the content library via said headend system (Galipeau column 10 lines 58-60 *deliver content to passenger*) and for presenting the selected viewing content (Galipeau column 11 lines 59-65 *applications for viewing content*); and

associating a second portable media device with the second passenger seat

Art Unit: 2453

group (Galipeau "Personal Computer" Fig. 12 item 226 *a different personal computer being used with a second group*), said second portable media device for selecting (Galipeau column 4 lines 26-29 *requested by passenger*) and receiving viewing content available from the content library via said headend system (Galipeau column 10 lines 58-60 *deliver content to passenger*) and for presenting the selected viewing content (Galipeau column 11 lines 59-65 *applications for viewing content*).

Galipeau fails to explicitly disclose a content source including a first content library and a second content library associated with the first and second group, wherein the first content library is different from the second content library and is not available to said second portable media device.

Wilson discloses a content source including a first content library and a second content library associated with the first and second group (Wilson claim 1 lines 15-20 *provide basic level of service to first list of subscribers and a premium level of service to a second level of subscribers*), wherein the first content library is different from the second content library and is not available to said second portable media device (Wilson claim 1 lines 15-25 *content is provided to subscribers in the second list (i.e. first group of Galipeau) not available to subscribers in the first list*). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the multi-level content providing of Wilson with the passenger based content providing system of Galipeau as it would allow content providers to provide "premium content or features to users at rates higher than simple subscription fees" (Wilson

Art Unit: 2453

[0161] lines 6-9).

29. As to claim 29, the above combined art of Galipeau and Wilson disclose the invention as claimed as described in claim 28, including further comprising making the first content library available to said second portable media device upon payment of a fee (Wilson claim 2 lines 7-13 *access to premium with payment*).

30. As to claim 30, the above combined art of Galipeau and Wilson disclose the invention as claimed as described in claim 28, including further comprising configuring said first portable media device to upload content to the content source (Galipeau column 12 lines 37-41 *transmit email and webpages off-aircraft*).

31. As to claim 31, Galipeau substantially discloses a vehicle information system installed aboard a passenger vehicle (Galipeau Abstract), comprising:

a headend system for communicating with a content source including a content library ("Internet Server" Fig. 12, item 192 *communicating with "Airnet Ground Server" Fig. 12, item 232*) associated with a first passenger seat group within the passenger vehicle (Galipeau column 3 lines 52-55 *seat groups*; Fig. 1 item 12 *first column of seat groups*) and a second passenger seat group within the passenger vehicle (Galipeau column 3 lines 52-55 *seat groups*; Fig. 1 item 14 *second column of seat groups*);

a first handheld media device associated with the first passenger seat group (Galipeau "Personal Computer" Fig. 12 item 226 *being used with a first group*), said

Art Unit: 2453

first handheld media device for selecting (Galipeau column 4 lines 26-29 *requested by passenger*) and receiving viewing content available from the content library via said headend system (Galipeau column 10 lines 58-60 *deliver content to passenger*) and for presenting the selected viewing content (Galipeau column 11 lines 59-65 *applications for viewing content*); and

a second handheld media device associated with the second passenger seat group (Galipeau "Personal Computer" Fig. 12 item 226 *a different personal computer being used with a second group*), said second handheld media device for selecting (Galipeau column 4 lines 26-29 *requested by passenger*) and receiving viewing content available from the content library via said headend system (Galipeau column 10 lines 58-60 *deliver content to passenger*) and for presenting the selected viewing content (Galipeau column 11 lines 59-65 *applications for viewing content*),

wherein said first handheld media device includes:

a handheld case having a predetermined shape and including a communication port (Galipeau Fig. 12 item 226 *communicating laptop with case*);

a transceiver system for communicating with the content source via the communication port, said transceiver system being disposed within said handheld case (Galipeau "Personal Computer" Fig. 12 item 226 communicating with "Server" item 192);

an integrated user interface system being provided on said handheld case (Galipeau column 11 lines 59-65 *software*) and including:

a video presentation system (Galipeau column 3 lines 3-10 *video*) for

Art Unit: 2453

selecting among the viewing content available from the first content library (Galipeau column 4 lines 26-29 *requested by passenger*) and for presenting a video portion of the selected viewing content (Galipeau column 9 lines 22-25 *video present to personal computer*);

an audio presentation for presenting an audio portion of the selected first viewing content (Galipeau column 9 lines 33-36 *audio presented with video*); and

a control system for selecting the selected first viewing content for presentation and controlling the presentation of the selected first viewing content.

Galipeau fails to explicitly disclose a content source including a first content library and a second content library associated with the first and second group, wherein the first content library is different from the second content library and is not available to said second portable media device, selecting via a menu-based system, and a control system for selecting the selected viewing content for presentation and controlling the presentation of the selected viewing content.

Wilson discloses a content source including a first content library and a second content library associated with the first and second group (Wilson claim 1 lines 15-20 *provide basic level of service to first list of subscribers and a premium level of service to a second level of subscribers*), wherein the first content library is different from the second content library and is not available to said second portable media device (Wilson claim 1 lines 15-25 *content is provided to subscribers in the second list (i.e. first group of Galipeau) not available to subscribers in the first list*), selecting via a menu-based system (Wilson [0107] lines 5-10 *displays to receive user input*), and a control

Art Unit: 2453

system for selecting the selected viewing content for presentation and controlling the presentation of the selected viewing content (Wilson [0107] lines 5-10 *displays to receive user input*). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the multi-level content providing of Wilson with the passenger based content providing system of Galipeau as it would allow content providers to provide "premium content or features to users at rates higher than simple subscription fees" (Wilson [0161] lines 6-9).

32. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Galipeau et al (US 6,249,913 B1), and in view of Wilson et al (US 2004/0192339 A1), in view of Decinque (US 6,286,139 B1).

33. As to claim 18, the above combined art of Galipeau and Wilson substantially disclose the invention as claimed as described in claim 17, failing however to explicitly include wherein a content preview from the first content library is available for presentation via said second portable media device prior to the payment of the fee.

Decinque describes a system and method for ordering video content.

With this in mind, Decinque discloses wherein a content preview from the first content library is available for presentation via said second portable media device prior to the payment of the fee (Decinque column 1 lines 37-40 *program previews*). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to combine content providing system of

Art Unit: 2453

Galipeau and Wilson with the ordering system of Decinque as it would permit "a website to act as a customer interface to allow a customer to interact directly with a website display to order video content" removing the risk of "losing the impulse purchase potential" (Decinque column 1 lines 40-47).

Conclusion

34. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC W. SHEPPERD whose telephone number is (571)270-5654. The examiner can normally be reached on Monday - Thursday, Alt. Friday, 7:30 AM - 5PM, EST.

Art Unit: 2453

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. W. S./
Examiner, Art Unit 2453

/THUHA T. NGUYEN/
Primary Examiner, Art Unit 2453